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October 7, 2014

CM/ECF

Hon. Esther Salas, U.S.D.J.  
United States District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building and U.S. Courthouse  
50 Walnut St.  
Newark, NJ 07101

Re: *Mylan Pharmaceuticals, Inc. v. Celgene Corporation*  
U.S.D.C., District of New Jersey  
Civil Action No.: 2:14-cv-02094-ES-MAH

Dear Judge Salas:

On Friday, this Court set oral argument on Defendant Celgene Corporation's pending Motion to Dismiss in the above-captioned matter for October 30, 2014. Kevin McDonald, one of the undersigned, is the lead attorney representing Celgene, and the principal author of Celgene's pending motion. He has directed the defense of the case from the outset, and has appeared for Celgene as lead counsel at all proceedings to date before Magistrate Judge Hammer. Celgene has requested that Mr. McDonald continue in this role and deliver the oral argument on behalf of Celgene.

Unfortunately, Mr. McDonald is unavailable on October 30<sup>th</sup>, as he will be in trial in Boston that day on another matter. He is also lead trial counsel for Defendant Dr. Reddy's Laboratories in the multidistrict litigation styled as *In re Nexium (Esomeprazole) Antitrust Litig.*, Dkt. No. 1:12-md-2409 (D. Mass.), a case raising antitrust claims that the defendants settled a patent infringement suit with so-called reverse payments. Judge William Young has set a six-week jury trial in the *Nexium* matter to commence on October 20, 2014. (See *Nexium* Dkt. Nos. 846, 982.)

Although Judge Young expects the *Nexium* trial to last until December 5, 2014, he has informed the parties that there will be no trial proceedings on November 11<sup>th</sup> (Veteran's Day), 14<sup>th</sup>, 17<sup>th</sup>, and 28<sup>th</sup> (the day after Thanksgiving). Accordingly, we have consulted with counsel for Mylan regarding their availability on those dates. From those consultations, we understand that counsel for Mylan has a conflict on November 14<sup>th</sup> but is available on November 17, 2014.

Celgene therefore respectfully requests that this Court reschedule the oral argument on Celgene's pending Motion to Dismiss for Monday, November 17, 2014, if possible. In the alternative, if that date is not convenient for the Court, Celgene respectfully requests that the



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Court set a telephone conference to discuss scheduling the oral argument. Celgene understands that Mylan will submit a letter response to this request.

Respectfully submitted,

**NORRIS, McLAUGHLIN & MARCUS**

/S/ DANIEL R. GUADALUPE

**JONES DAY**

/S/ KEVIN D. MCDONALD

cc (via ECF):

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